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07.03.2001

U.S. Patent and Trademark Office
- *Special Program Law Office, to James Engel* -
2201 South Cleark Place
Crystal Plaza Building 4
Arlington, VA 22202, U.S.A.

Patent-Application Serial-Number: 09/704,803
Requisitioned back sent additional facsimile transmission of my patent application

Dear Legal Advisor James Engel,

as you told me on the phone, annexed I send to you the 100 pages of additional facsimile transmission of my patent application from the 02.Nov.2000 which the USPTO has sent back to me, including the original of the USPTO-Letter to prove the receiving date and time of my facsimile transmission (this paper format is not buyable in Germany).

Additional I annex here the originals of my last two per facsimile sent letters.

With friendly greetings



Gerd Krämer

Annexes: USPTO-Letter from the 07.Nov.2000, received 25.Nov.2000 including the 100 appended pages of facsimile transmission of my patent application
Original of my per facsimile transmitted letter to you from the 22.Feb.2001
Original of my per facsimile transmitted letter to you from the 25.Feb.2001

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25.02.2001

U.S. Patent and Trademark Office
- *Special Program Law Office, Office of Petitions* -
- *To: James Engel* -

per Facsimile to: 703-308-6916
Original

Patent-Application Serial-Number: 09704803
Legal arguments to my "Petition to correct the Filing-Date"
37 C.F.R. § 1.6 (a) (2) + § 1.10 (a) violates Article 2 (1) of the Paris Convention

Dear Legal Advisor James Engel,

Article 2 (1) of the Paris Convention for the Protection of Industrial Property grants the to nationals of any country of the Union same rights as they're granted to the nationals of the country where the application is made.

Article 4 C.(1) of the Paris Convention offers a priority time period of 12 months to file a foreign application and also Title 35 U.S.C. § 119 (a).

Title 37 C.F.R § 1.6 (d) (3) + § 1.8 (a) (2) (i) (A) forbids the filing of a patent-application per facsimile [see also MPEP 502.01 Headline "Correspondence relative to Patents and Patent Applications where Filing by Facsimile Transmissions is not permitted" (B)].

Therefore Title 37 C.F.R. § 1.6 (a) (2) + § 1.10 (a) grants the filing-date as the date of deposit, if the application is delivered by "Express Mail Post Office to Address" using the United States Postal Service [see also MPEP 502 Headline "Express Mail Service"].

So Title 37 C.F.R. § 1.6 (a) (2) + § 1.10 (a) violates Article 2 (1) of the Paris Convention because the United States Postal Service is not available in any country of the Union and § 1.6 (a) (2) + § 1.10 (a) does not allow a substitution of the USPS by other Express Mail Services in countries where the USPS is not available.

Therefore § 1.6 (a) (2) + § 1.10 (a) of the Patent Rules have to be extended to other fast available Express Mail Services in countries where the USPS is not available for not to violate Article 2 (1) of the Paris Convention.

Amendment 14 Section 1 last half sentence of the Constitution of the United States ("..., nor deny to any person within its jurisdiction the equal protection of the laws.") provides an Equal Treatment Principle.

...

So the *Combination* of Title 37 C.F.R § 1.6 (d) (3) + § 1.8 (a) (2) (i) (A) *and* Title 37 C.F.R § 1.6 (d) (3) + § 1.8 (a) (2) (i) (A) violates

1.) the Equal Treatment Principle [Amend.14 Sec.1 U.S. Constitution],
and

2.) Article 4 C.(1) of the Paris Convention [12 months of Priority],
and

3.) the Year of Priority in Title 35 U.S.C. § 119 (a)

for inventors which live in countries where the United States Postal Service is not available.

For not to violate the Paris Convention and the Equal Treatment Principle the Rule in Title 37 C.F.R. § 1.6 (a) (2) + § 1.10 (a) either has to be extended including other fast Express Mail Services where the USPS is not available or Title 37 C.F.R § 1.6 (d) (3) + § 1.8 (a) (2) (i) (A) has to allow an additional facsimile transmission to get a filing-date.

Therefore my filing-date has to be corrected either to the date of deposit to UPS Express Mail shown in the freight-warrant (*Annex A2* of my Petition) or to the date of facsimile-transmission shown in the USPTO-Letter from the 07.Nov.2000 (*Annex A4* of my Petition).

In my case the USPTO did not answer my letter from the 29.Oct.2000 (Headline "*Patent Application*" and request how to pay the fees) and the USPTO did not answer my letter from the 24.Nov.2000 (Headline "*Missing Acknowledgement of Receipt and Application Number of my Patent-Application*") and the USPTO did not answer my letter from the 12.Jan.2001 (Headline again "*Missing Acknowledgement of Receipt and Application Number of my Patent-Application*") and the USPTO did not answer my letter from the 30.Jan.2001 (Headline "*USPTO refuses to give me an application number and to answer my letters*").

Until now my said letters are unanswered.

That means, if I would receive the desired answer this Friday, 4 months would have gone by. But that would mean that a foreign inventor would have to send his patent application by postal Mail already 8 months after the priority date (after only $\frac{2}{3}$ of the priority year) to get an acknowledgement or disclaimer of receipt and to have enough time to resubmit the application, if it'd not have reached the USPTO (maybe because of an accident in the available Express Mail Service). But if the inventor would have less than 12 months, this would violate Article 4 C (1) of the Paris Convention.

On 12.Jan.2001 I called the USPTO and an employee told my that they don't know anything about my application (like it would not have reached the USPTO).

On 02.Feb.2001 I called again the USPTO and now an employee told me a Filing-Date and my Application Number. This employee told me, that the USPTO would have answered my letters by a USPTO-Letter from the 24.Jan.2001.

But this announced letter has still not arrived. On 20.Feb.2001 I called again and Mrs. Norma White told me that she'd order the file and transmit the said USPTO-Letter from the 24.Jan.2001 per facsimile to me. But the announced facsimile-transmission did not occur until now.

With friendly greetings



Gerd Krämer

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22.02.2001

U.S. Patent and Trademark Office
- *Special Program Law Office, Office of Petitions* -
- *To: James Engel* -

per Facsimile to: 703-308-6916
Original

Patent-Application Serial-Number: 09704803
Addendum to my yesterday letter "Petition to correct the Filing-Date"

Dear Legal Advisor James Engel,

to prove that the USPTO-Address on Title 37 C.F.R. § 1.1a caused the described delivery-problem I annexed here to you the UPS-Tracking of my letter from the 31.Jan.2000 wherewith I've sent to the USPTO the certified copy of the priority document and my information disclosure statement.

This time I've sent the letter to the location address "*U.S. Patent and Trademark Office, 2011 Jefferson Davis Highway, Crystal Plaza Building #2, Arlington, VA 22202, U.S.A.*" instead of the on Title 37 C.F.R. § 1.1a given address and no error occurred.


If you compare the here annexed UPS-Tracking with the last UPS-Tracking which was *Annex A5* of my Petition, you see that the application would have been delivered on 02.Nov.2000, if the above USPTO-Location-Address would have been in Title 37 C.F.R. § 1.1a instead of the there shown.

With friendly greetings




Gerd Krämer


Annex: UPS-Tracking of my IDS + Certified Copy of Priority Document




LOG IN TO MY UPS.COM




TRACK




SHIP




QUICK COST




TRANSIT TIME



PICKUP



DROP-OFF



SUPPLIES

TRACKING NUMBER | REFERENCE NUMBER

Tracking Detail

Status: Delivered
Delivered on: Feb 2, 2001 9:53 A.M.
Signed by: ASFAN
Location: OFFICE
Delivered to: ARLINGTON, VA, US
Shipped or Billed on: Jan 31, 2001

Tracking Number: W682 8166 412
Service Type: EXPRESS
Weight: .50 Kg

PACKAGE PROGRESS			
Date	Time	Location	Activity
Feb 2, 2001	9:53 A.M.	ALEXANDRIA-ARLINGTON, VA, US	DELIVERY
	7:09 A.M.	ALEXANDRIA SORT, VA, US	DESTINATION SCAN
	7:00 A.M.	ALEXANDRIA SORT, VA, US	ARRIVAL SCAN
	6:18 A.M.	WASHINGTON, VA, US	DEPARTURE SCAN
	5:49 A.M.	WASHINGTON, VA, US	ARRIVAL SCAN
	4:44 A.M.	LOUISVILLE INTL, KY, US	DEPARTURE SCAN
	3:16 A.M.	GRADE LANE HUB, KY, US	LOCATION SCAN
Feb 1, 2001	12:56 P.M.	NEWARK AIR SORT, NJ, US	HUB SCAN
	11:23 A.M.	NEWARK AIR SORT, NJ, US	IMPORT SCAN
	8:09 A.M.	COLOGNE AIRPORT, DE	DELAY BEYOND UPS CONTROL
Jan 31, 2001	10:49 P.M.	DE	DEPARTURE SCAN
	9:43 P.M.	DE	PICKUP MANIFEST RECEIVED
	9:30 P.M.	DE	HUB SCAN
	8:18 P.M.	HEIDELBERG - SUB, DE	ORIGIN SCAN

Tracking results provided by UPS: Feb 6, 2001 3:56 P.M. Eastern Time (USA)

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